

**AMENDMENTS TO THE CLAIMS**

1. **(Previously Presented)** An isolated nucleic acid molecule encoding a branching enzyme from a bacterium of the genus *Neisseria* selected from the group consisting of
  - (a) a nucleic acid molecule encoding a protein which comprises the amino acid sequence depicted in SEQ ID NO. 2;
  - (b) a nucleic acid molecule comprising the coding region depicted in SEQ ID NO. 1;
  - (c) a nucleic acid molecule encoding a protein which comprises the amino acid sequence encoded by the insert in plasmid DSM 12425;
  - (d) a nucleic acid molecule comprising the coding region which is contained in the insert of the plasmid DSM 12425;
  - (e) a nucleic acid molecule encoding a protein the sequence of which has, in the first 100 amino acids, a homology of at least 95% to the amino acid sequence depicted in SEQ ID NO. 2; and
  - (f) a nucleic acid molecule having more than 90% identity with SEQ ID NO:1.
2. **(Original)** A vector containing a nucleic acid molecule according to claim 1.
3. **(Original)** The vector according to claim 2, wherein the nucleic acid molecule is linked in sense-orientation to regulatory sequences guaranteeing the transcription in prokaryotic or eukaryotic cells.
4. **(Original)** A host cell which is genetically modified with a nucleic acid molecule according to claim 1 or with a vector according to claim 2 or 3.

5. **(Original)** A method for producing a branching enzyme from a bacterium of the genus *Neisseria*, wherein a host cell according to claim 4 is cultivated under conditions allowing the expression of the protein, and wherein the protein is isolated from the cultivated cells and/or the culture medium.
6. **(Withdrawn)** A method for producing a branching enzyme from a bacterium of the genus *Neisseria*, wherein the protein is produced in an in-vitro transcription and translation system using a nucleic acid molecule according to claim 1.
7. **(Withdrawn)** A protein encoded by a nucleic acid molecule according to claim 1 or obtainable by a method according to claim 5.
8. **(Withdrawn)** An antibody which specifically recognises a protein according to claim 7.
9. **(Withdrawn)** Use of a protein according to claim 7 for producing  $\alpha$ -1,6-branched  $\alpha$ -1,4-glucans in in-vitro systems.
10. **(Original)** A transgenic plant cell containing a nucleic acid molecule according to claim 1, wherein the nucleic acid molecule is linked to regulatory sequences guaranteeing the transcription in plant cells.
11. **(Original)** The transgenic plant cell according to claim 10, wherein the nucleic acid molecule is linked to a sequence encoding a signal sequence which guarantees the localisation of the encoded protein in the plastids of the cells.

12. **(Original)** A transgenic plant containing plant cells according to claim 10.

13. **(Original)** A method for producing a transgenic plant, wherein

- (a) a plant cell is genetically modified by introducing a nucleic acid molecule according to claim 1 or a vector according to claim 2 or 3;
- (b) a plant is regenerated from the cell produced according to step (a); and
- (c) optionally further plants are produced from the plant produced according to step (b).

14. **(Currently Amended)** Harvestable parts of plants according to ~~claim 1~~ claim 12, wherein said parts of plants contain transgenic plant cells.

15. **(Withdrawn)** Starch obtainable from transgenic plant cells according to claim 1 or from parts of plants containing said transgenic plant cells.

16. **(Withdrawn)** The starch according to claim 15, wherein the composition of the starch is modified in such a way that it has an increased gel texture and/or a reduced phosphate content and/or a reduced peak viscosity and/or a reduced pastification temperature and/or a reduced size of the starch granules and/or a modified distribution of the side-chains in comparison with the starch from corresponding wild type plants.

17. **(Currently Amended)** The isolated nucleic acid molecule according to claim 1 having more than 95% identity with SEQ ID NO:1.

18. **(New)** The isolated nucleic acid molecule according to claim 1 which encodes the amino acid sequence depicted in SEQ ID NO:2.

19. **(New)** The isolated nucleic acid molecule according to claim 1 which has the sequence depicted in SEQ ID NO:1.

20. **(New)** The isolated nucleic acid molecule according to claim 1 which encodes the amino acid sequence encoded by the insert in plasmid DSM 12425.

21. **(New)** A vector containing a nucleic acid molecule according to any one of claims 17-20.

22. **(New)** A host cell which is genetically modified with a vector according to claim 21.

23. **(New)** A method for producing a branching enzyme form a bacterium of the genus *Neisseria*, wherein a host cell according to claim 22 is cultivated under conditions allowing the expression of the protein, and wherein the protein is isolated from the cultivated cells and/or the culture medium.

24. **(New)** A transgenic plant cell containing a nucleic acid molecule according to any one of claims 17-20, wherein the nucleic acid molecule is linked to regulatory sequences guaranteeing the transcription in plant cells.

25. **(New)** The transgenic plant cell according to claim 24, wherein the nucleic acid molecule is linked to a sequence encoding a signal sequence which guarantees the localisation of the encoded protein in the plastids of the cells.

26. **(New)** A transgenic plant containing a plant cell according to claim 24.
27. **(New)** A method for producing a transgenic plant, wherein
  - (a) a plant cell is genetically modified by introducing a nucleic acid molecule according to any one of claims 17-20;
  - (b) a plant is regenerated from the cell produced according to step (a); and
  - (c) optionally further plants are produced from the plant produced according to step (b).
28. **(New)** Harvestable parts of a plant according to claim 26, wherein said parts of plants contain transgenic plant cells.
29. **(New)** The host cell according to claim 4, which is a bacterial cell.
30. **(New)** The host cell according to claim 22, which is a bacterial cell.
31. **(New)** The host cell according to claim 29, which is an E. coli cell.
32. **(New)** The host cell according to claim 30, which is an E. coli cell.
33. **(New)** The host cell according to claim 4, which is a fungal cell.

34. **(New)** The host cell according to claim 22, which is a fungal cell.
35. **(New)** The host cell according to claim 33, which is a yeast cell.
36. **(New)** The host cell according to claim 34, which is a yeast cell.
37. **(New)** The host cell according to claim 4, which is a plant cell.
38. **(New)** The host cell according to claim 22, which is a plant cell.
39. **(New)** The host cell according to claim 37, wherein said plant is selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.
40. **(New)** The host cell according to claim 38, wherein said plant is selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.
41. **(New)** The transgenic plant according to claim 12, wherein said plant is selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.
42. **(New)** The transgenic plant according to claim 26, wherein said plant is selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.
43. **(New)** The method according to claim 5, wherein said host cell is a bacterial cell.

44. **(New)** The method according to claim 23, wherein said host cell is a bacterial cell.

45. **(New)** The method according to claim 43, which is an E. coli cell.

46. **(New)** The method according to claim 44, which is an E. coli cell.

47. **(New)** The method according to claim 5, wherein said host cell is a fungal cell.

48. **(New)** The method according to claim 23, wherein said host cell is a fungal cell.

49. **(New)** The method according to claim 47, which is a yeast cell.

50. **(New)** The method according to claim 48, which is a yeast cell.

51. **(New)** The method according to claim 13, wherein said plant is a member selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.

52. **(New)** The method according to claim 27, wherein said plant is a member selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.

53. **(New)** Harvestable parts of plants according to claim 14, wherein said plant is a member selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.

54. **(New)** Harvestable parts of plants according to claim 28, wherein said plant is a member selected from the group consisting of wheat, barley, oat, rye, potato, maize, rice, pea, cassava and mung bean.